

## **DETAILED ACTION**

### ***Specification***

The abstract of the disclosure is objected to because it appears to be a direct translation, and therefore is replete with grammatical errors. Correction is required. See MPEP § 608.01(b).

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

A substitute specification including the claims is required pursuant to 37 CFR 1.125(a) because the specification appears to be a direct translation from the foreign application.

A substitute specification must not contain new matter. The substitute specification must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) and a statement that the substitute specification contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Objections***

Applicant's claims are replete with parenthetical numerical references that refer to the numerical indicators in the drawings. Although not improper, the inclusion of the parenthetical references in the claims cannot be used as the sole source to distinguish components in the claims. The claim language must be the primary source to distinguish between components. The examiner should not be forced to refer to the drawings continuously while reading the claims in order to discern between claimed components. For example, in claim 1, line 5, "the spring (5)" should be introduced previously in the claim in a manner such as modifying line to to read "consists of 3 springs" and then in line 5, "the first of the three springs..."Appropriate correction is required.

### ***Claim Rejections – 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative failing to conform with current U.S. practice. Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation (See MPEP 608.01(i)(i)).

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

In addition to the large number of grammatical and idiomatic errors, there are also numerous instances of lack of antecedent basis in the claims. A lack of antecedent basis is the mention of an element without that element ever having been positively recited. For example, on line 7 of claim 1 it states: "...of which **the one edge**..." The bolded portion of this statement lacks antecedent basis since a one edge was never positively recited before this mention of it. A positive recitation is one that declares the inclusion of an element in a claim. For example: comprising one spring having one edge. Once a statement such as this has been made it becomes proper to refer to the one edge as "**the one edge**". In summation, it is improper to refer to any element as "the element" or "said element" before it has been positively recited as an element of the claim. Other examples of lack of antecedent basis in the claims includes:

- Claim 1, line 5, the statement "the spring"
- Claim 1, line 5, the statement "the slide "

Art Unit: 3641

- Claim 1, line 6, the statement "the flange "
- Claim 1, line 6, the statement "the transversal cylinder"
- Claim 1, line 8, the statement "the chamber "
- Claim 1, line 10, the statements "the right edge" and "the round nut"
- Claim 2, line 4, the statement "the extension "

The above-cited instances are purely exemplary and are not meant to represent an entire list of all of the terms that lack antecedent basis in the claims. It is Applicant's responsibility to correct for all terms in the claims that have a lack of antecedent basis. Additionally:

Claim 1, line 8, the statement "wherein chamber (A), the spring is positioned" is unclear and confusing.

Claim 1, line 18, the statement "the axle's (4) extension (P) is coming and on the left edge of which extension (P) the magnet (M) is screwed and is locked with nut (E), but the use of one base (9),..." is unclear and confusing. This is also confusing since "base (9) appears to bring in features from figure 2, which appears to be a different embodiment from figure 1 and "extension (P)".

Part (g) of the claim is unclear as how the final form may differ.

### **Patentable Subject Matter**

A search of the art failed to produce any prior art references that include structure as shown in Figure 1 and/or 2, as best understood by the examiner. However,

in light of the numerous unclarities in the claims, allowability cannot be determined at this time.

An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450.

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Frommer (1877839), Vironda (3492749), Carlson et al (2818783), Bergstrom (20020178901), Seecamp (4201113), Weldle et al (5581046), Gerstenberger et al (4369759).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel J. Klein whose telephone number is 571-272-8229. The examiner can normally be reached on Monday through Friday 7:15 am to 3:45 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 3641

GJK

/Michael J. Carone/

Supervisory Patent Examiner, Art Unit 3641